

EXHIBIT 1

08/17/2007 15:54 FAX 12126082333

RAPID RELIABLE

0003

JUDGE KOELTL
REV.

CIVIL COVER SHEET

07 CIV 7371

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating this civil docket sheet.

PLAINTIFFS M. SHANKEN COMMUNICATIONS, INC.		DEFENDANTS CIGAR500.COM, INC. ANTHONY MASCIANGELO MONIQUE MASCIANGELO	
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) REED SMITH LLP, 599 LEXINGTON AVE. NEW YORK NY 10024 212-521-5400		ATTORNEYS (IF KNOWN) UNKNOWN	
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) 17 U.S.C. Sec. 501, 502, 504; 15 U.S.C. Sec. 1114, 1125: COPYRIGHT AND TRADEMARK INFRINGEMENT BASED UPON DEFENDANTS' UNAUTHORIZED USE OF PLAINTIFFS' INTELLECTUAL PROPERTY ON THEIR WEBSITE			
Has this or a similar case been previously filed in SDNY at any time? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Judge Previously Assigned			
If yes, was this case Vol <input type="checkbox"/> Invol. <input type="checkbox"/> Dismissed. No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, give date _____ & Case No. _____			

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FOREIGN PENALTY		BANKRUPTCY		OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 302 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 305 MED MALPRACTICE	[] 620 FOOD & DRUGS	[] 423 WITHDRAWAL	[] 410 REAL ESTATE				
[] 130 MILLER ACT	[] 320 PRODUCT LIABILITY	[] 308 PERSONAL INJURY	[] 625 DRUG RELATED	[] 425 WITHDRAWAL	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE	[] 340 ASSAULT, LIBEL &	[] 309 PRODUCT LIABILITY	[] 630 SEIZURE OF	[] 430 COMMERCIAL	[] 440 RATES & FEES				
[] 150 RECOVERY OF	[] 345 BATTERY	[] 310 ASBESTOS PERSONAL	[] 640 LIQUOR LAWS	[] 440 PROPERTY RIGHTS	[] 450 DEFORTATION				
[] 152 RECOVERY OF	[] 350 FEDERAL	[] 311 INJURY PRODUCT	[] 645 RR & TRUCK	[] 450 RACKETEER INFLU-	[] 460 EMPLOYMENT				
[] 153 RECOVERY OF	[] 355 EMPLOYERS'	[] 312 LIABILITY	[] 650 AIRLINE REGS	[] 460 ENGAGED & CORRUPT	[] 470 ORGANIZATION ACT				
[] 154 RECOVERY OF	[] 360 LIABILITY	[] 313 PERSONAL PROPERTY	[] 655 OCCUPATIONAL	[] 470 ORGANIZATION ACT	[] 480 CONSUMER CREDIT				
[] 155 RECOVERY OF	[] 365 MARINE PRODUCT	[] 314 OTHER FRAUD	[] 660 SAFETY/HEALTH	[] 480 CONSUMER CREDIT	[] 490 CABLESATELLITE TV				
[] 156 RECOVERY OF	[] 370 LIABILITY	[] 315 TRUTH IN LENDING	[] 665 OTHER	[] 490 CABLESATELLITE TV	[] 500 SELF-DEFENSE				
[] 157 RECOVERY OF	[] 375 MOTOR VEHICLE	[] 316 OTHER PERSONAL	[] 670 LABOR	[] 500 SELF-DEFENSE	[] 510 SECURITIES/				
[] 158 RECOVERY OF	[] 380 NOTOR VEHICLE	[] 317 PROPERTY DAMAGE	[] 675 FAIR LABOR	[] 510 SECURITIES/	[] 520 COMMODITIES/				
[] 159 RECOVERY OF	[] 385 PRODUCT LIABILITY	[] 318 PROPERTY DAMAGE	[] 680 STANDARDS ACT	[] 520 COMMODITIES/	[] 530 EXCHANGE				
[] 160 RECOVERY OF	[] 390 OTHER PERSONAL	[] 319 PRODUCT LIABILITY	[] 685 LABOR/MTGT	[] 530 EXCHANGE	[] 540 CUSTOMER				
[] 161 RECOVERY OF	[] 395 INJURY	[] 320 OTHER FRAUD	[] 690 LABOR/MTGT	[] 540 CUSTOMER	[] 550 CHALLENGE				
[] 162 RECOVERY OF	[] 400 OTHER CIVIL RIGHTS	[] 321 TRUTH IN LENDING	[] 695 LABOR/MTGT	[] 550 CHALLENGE	[] 560 12 USC 3410				
[] 163 RECOVERY OF	[] 405 OTHER CIVIL RIGHTS	[] 322 OTHER PERSONAL	[] 700 LABOR/MTGT	[] 560 12 USC 3410	[] 570 AGRICULTURE ACTS				
[] 164 RECOVERY OF	[] 410 OTHER CIVIL RIGHTS	[] 323 PROPERTY DAMAGE	[] 705 LABOR/MTGT	[] 570 AGRICULTURE ACTS	[] 580 CURRENCY				
[] 165 RECOVERY OF	[] 415 OTHER CIVIL RIGHTS	[] 324 PROPERTY DAMAGE	[] 710 LABOR/MTGT	[] 580 CURRENCY	[] 590 STABILIZATION ACT				
[] 166 RECOVERY OF	[] 420 OTHER CIVIL RIGHTS	[] 325 PRODUCT LIABILITY	[] 715 LABOR/MTGT	[] 590 STABILIZATION ACT	[] 600 ENVIRONMENTAL				
[] 167 RECOVERY OF	[] 425 OTHER CIVIL RIGHTS	[] 326 PRODUCT LIABILITY	[] 720 LABOR/MTGT	[] 600 ENVIRONMENTAL	[] 610 MATTERS				
[] 168 RECOVERY OF	[] 430 OTHER CIVIL RIGHTS	[] 327 PRODUCT LIABILITY	[] 725 LABOR/MTGT	[] 610 MATTERS	[] 620 ALLOCATION ACT				
[] 169 RECOVERY OF	[] 435 OTHER CIVIL RIGHTS	[] 328 PRODUCT LIABILITY	[] 730 LABOR/MTGT	[] 620 ALLOCATION ACT	[] 630 FREEDOM OF				
[] 170 RECOVERY OF	[] 440 OTHER CIVIL RIGHTS	[] 329 PRODUCT LIABILITY	[] 735 LABOR/MTGT	[] 630 FREEDOM OF	[] 640 INFORMATION ACT				
[] 171 RECOVERY OF	[] 445 OTHER CIVIL RIGHTS	[] 330 PRODUCT LIABILITY	[] 740 LABOR/MTGT	[] 640 INFORMATION ACT	[] 650 APPEAL OF FEE				
[] 172 RECOVERY OF	[] 450 OTHER CIVIL RIGHTS	[] 331 PRODUCT LIABILITY	[] 745 LABOR/MTGT	[] 650 APPEAL OF FEE	[] 660 DETERMINATION				
[] 173 RECOVERY OF	[] 455 OTHER CIVIL RIGHTS	[] 332 PRODUCT LIABILITY	[] 750 LABOR/MTGT	[] 660 DETERMINATION	[] 670 UNDER EQUAL ACCESS				
[] 174 RECOVERY OF	[] 460 OTHER CIVIL RIGHTS	[] 333 PRODUCT LIABILITY	[] 755 LABOR/MTGT	[] 670 UNDER EQUAL ACCESS	[] 680 TO JUSTICE				
[] 175 RECOVERY OF	[] 465 OTHER CIVIL RIGHTS	[] 334 PRODUCT LIABILITY	[] 760 LABOR/MTGT	[] 680 TO JUSTICE	[] 690 CONSTITUTIONALITY				
[] 176 RECOVERY OF	[] 470 OTHER CIVIL RIGHTS	[] 335 PRODUCT LIABILITY	[] 765 LABOR/MTGT	[] 690 CONSTITUTIONALITY	[] 700 OF STATE STATUTES				
[] 177 RECOVERY OF	[] 475 OTHER CIVIL RIGHTS	[] 336 PRODUCT LIABILITY	[] 770 LABOR/MTGT	[] 700 OF STATE STATUTES	[] 710 OTHER STATUTORY				
[] 178 RECOVERY OF	[] 480 OTHER CIVIL RIGHTS	[] 337 PRODUCT LIABILITY	[] 775 LABOR/MTGT	[] 710 OTHER STATUTORY	[] 720 ACTIONS				
[] 179 RECOVERY OF	[] 485 OTHER CIVIL RIGHTS	[] 338 PRODUCT LIABILITY	[] 780 LABOR/MTGT	[] 720 ACTIONS					
[] 180 RECOVERY OF	[] 490 OTHER CIVIL RIGHTS	[] 339 PRODUCT LIABILITY	[] 785 LABOR/MTGT						
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[] 182 RECOVERY OF	[] 500 OTHER CIVIL RIGHTS	[] 341 PRODUCT LIABILITY	[] 795 LABOR/MTGT						
[] 183 RECOVERY OF	[] 505 OTHER CIVIL RIGHTS	[] 342 PRODUCT LIABILITY	[] 800 LABOR/MTGT						
[] 184 RECOVERY OF	[] 510 OTHER CIVIL RIGHTS	[] 343 PRODUCT LIABILITY	[] 805 LABOR/MTGT						
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[] 186 RECOVERY OF	[] 520 OTHER CIVIL RIGHTS	[] 345 PRODUCT LIABILITY	[] 815 LABOR/MTGT						
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[] 198 RECOVERY OF	[] 580 OTHER CIVIL RIGHTS	[] 357 PRODUCT LIABILITY	[] 875 LABOR/MTGT						
[] 199 RECOVERY OF	[] 585 OTHER CIVIL RIGHTS	[] 358 PRODUCT LIABILITY	[] 880 LABOR/MTGT						
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[] 243 RECOVERY OF	[] 805 OTHER CIVIL RIGHTS	[] 402 PRODUCT LIABILITY	[] 1100 LABOR/MTGT						
[] 244 RECOVERY OF	[] 810 OTHER CIVIL RIGHTS	[] 403 PRODUCT LIABILITY	[] 1105 LABOR/MTGT						
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[] 255 RECOVERY OF	[] 865 OTHER CIVIL RIGHTS	[] 414 PRODUCT LIABILITY	[] 1160 LABOR/MTGT						
[] 256 RECOVERY OF	[] 870 OTHER CIVIL RIGHTS	[] 415 PRODUCT LIABILITY	[] 1165 LABOR/MTGT						
[] 257 RECOVERY OF	[] 875 OTHER CIVIL RIGHTS	[] 416 PRODUCT LIABILITY	[] 1170 LABOR/MTGT						
[] 258 RECOVERY OF	[] 880 OTHER CIVIL RIGHTS	[] 417 PRODUCT LIABILITY	[] 1175 LABOR/MTGT						

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Recopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

M. SHANKEN COMMUNICATIONS, INC., 387 Park Avenue South, New York, New York, 10016
New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

CIGAR500.COM, INC., 3883 Hwy 7, Suite #3 Woodbridge, Ontario L4L 6C1 CANADA (York County)

ANTHONY MASCIANGELO, 74 Simcoe Rd. Kettleby, Ontario L0G 1J0 CANADA (York County)

MONIQUE MASCIANGELO, 74 Simcoe Rd. Kettleby, Ontario L0G 1J0 CANADA (York County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. 4 Yr. 1980)

RECEIPT #

Attorney Bar Code # PR 3029

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

08/17/2007 15:56 FAX 12126082333

RAPID RELIABLE

008

JUDGE NOELT

Peter D. Raymond (PR 3029)

John B. Webb (JW 9624)

Wallace B. Neel (WN 0038)

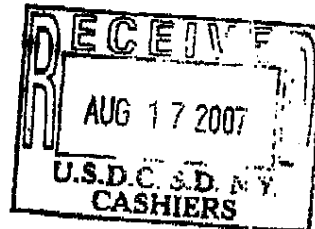
REED SMITH LLP

599 Lexington Avenue, 28th Floor

New York, New York 10022

(212) 521-5400

Attorneys for Plaintiff M. Shanken Communications, Inc.

07 CIV 7371UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M. SHANKEN COMMUNICATIONS, INC.,

Plaintiff,

-against-

CIGAR500.COM INC., ANTHONY
MASCIANGELO, AND MONIQUE
MASCIANGELO,

Defendants.

Civ. No. _____

**M. SHANKEN
COMMUNICATIONS INC.'S
STATEMENT PURSUANT TO
FED. R. CIV. P. 7.1**

Pursuant to Fed. R. Civ. P. 7.1, and to enable Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel of record for Plaintiff M. Shanken Communications, Inc. ("Shanken") hereby certifies that Shanken does not have a parent corporation and that no publicly-held corporation owns 10% or more of its stock.

Dated: New York, New York
August 17, 2007

REED SMITH LLP

By: 

Peter D. Raymond (PR 3029)

John B. Webb (JW 9624)

Wallace B. Neel (WN 0038)

599 Lexington Avenue

New York, New York 10022

(212) 521-5400

Attorneys for Plaintiff

M. Shanken Communications, Inc.

08/17/2007 15:55 FAX 12126082333

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AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

M. SHANKEN COMMUNICATIONS INC.,
Plaintiff,

SUMMONS IN A CIVIL ACTION

V.

CIGAR500.COM INC., ANTHONY
MASCIANGELO, AND MONIQUE
MASCIANGELO,

Defendants.

CASE NUMBER:

07 CIV 7371

JUDGE KOELTL

TO: (Name and address of Defendant)

CIGAR500.COM, INC.,
3883 Hwy 7, Suite #3
Woodbridge, Ontario L4L 6C1
CANADA (York County)

MONIQUE MASCIANGELO,
74 Simcoe Rd. Kettleby,
Ontario L0G 1J0
CANADA (York County);

ANTHONY
MASCIANGELO
74 Simcoe Rd.
Kettleby, Ontario L0G 1J0
CANADA (York County)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Peter Raymond, Esq.
REED SMITH LLP
599 Lexington Avenue
New York, New York 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 17 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Date Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M. SHANKEN COMMUNICATIONS, INC.,

Plaintiff,

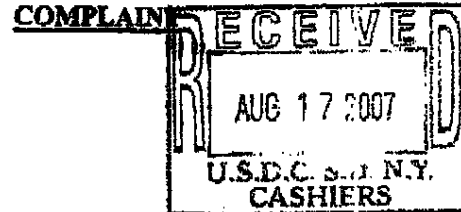
-against-

CIGAR500.COM INC., ANTHONY
MASCIANGELO, AND MONIQUE
MASCIANGELO,

Defendants.

07 CIV 7371

Civ. No. JUDGE KOELTL



Plaintiff M. Shanken Communications, Inc. ("Shanken"), by and through its undersigned counsel, Reed Smith LLP, for its Complaint against Cigar500.com, Inc. ("Cigar500.com"), Anthony Masciangelo, and Monique Masciangelo (collectively, "Defendants," and each a "Defendant"), alleges:

NATURE OF ACTION

1. Shanken is the publisher of *Cigar Aficionado*, a magazine dedicated to the world of cigars, and the owner of several federally-registered trademarks and numerous copyrights relating to that magazine. Shanken brings this action against Defendants for blatant infringement of those trademarks and copyrights in advertising, marketing, and sales, including through their operation of an online retailing website with the URL address of "<http://www.Cigar500.com>".

2. Defendants' illegal use of Shanken's trademarks and copyrights violates federal trademark and copyright law, and various state laws, and has caused marketplace confusion over whether Shanken endorses Cigar500.com and over whether Shanken encourages consumers to violate the federal Trading with the Enemy Act, 12 U.S.C. § 95a. Defendants' unauthorized and unlawful use of Shanken's intellectual property in this manner has caused and continues to cause substantial injury to Shanken's business, reputation, and bottom line. As a result, Shanken is

entitled to injunctive relief and monetary damages, as well as recovery of its attorneys' fees based upon Defendants' willful, deliberate and reckless conduct.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338 and 1367.

4. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. §§ 1391 (b)-(d) because the alien Defendants are subject to personal jurisdiction and, therefore, are deemed to reside and may be found in this District and because a substantial portion of the events or acts complained of occurred within this District.

PARTIES

5. Plaintiff Shanken is a New York corporation with its principal place of business at 387 Park Avenue South, New York, New York, 10016. Shanken is in the magazine publishing business, and has developed several well-known and well-regarded titles, including *Wine Spectator* and *Cigar Aficionado*. In particular, *Cigar Aficionado* has built a reputation as being an authoritative source of information for cigar smokers.

6. Upon information and belief, Defendant Cigar500.com is a Canadian corporation which has its principal place of business in Woodbridge, Ontario, Canada, and which maintains an Internet web site at www.Cigar500.com. Upon information and belief, Defendant Cigar500.com is in the business of selling Cuban cigars as an online retailer and otherwise.

7. Upon information and belief, Defendant Anthony Masciangelo is a resident of Canada and a principal of Cigar500.com. A WHOIS search for the domain name "www.Cigar500.com" conducted on the informational website NetworkSolutions.com produces a result listing one Anthony Masciangelo of Kettleby, Ontario, Canada as the "Administrative Contact" and "Technical Contact" for that domain name.

8. Upon information and belief, Defendant Monique Masciangelo is a resident of Canada and a principal of Cigar500.com. A WHOIS search for the domain name "Cigar500.com" conducted on the informational website NetworkSolutions.com produces a result listing one Monique Masciangelo of Kettleby, Ontario, Canada as the "Registrant" of that domain name.

9. A WHOIS search for the domain name "Cigar500.com" conducted on the informational website NetworkSolutions.com produces a result listing the IP Location of "Cigar500.com" as Fort Lauderdale, Florida, USA.

SHANKEN'S COPYRIGHTED INTELLECTUAL PROPERTY

10. Shanken is the owner of all right, title, and interest, including all copyrights, in and to an original publication that consists of the May/June 2007 issue of *Cigar Aficionado* magazine, volume 15, number 4, (the "Work"), which was published by Shanken in April 2007.

11. The Work contains wholly original material and constitutes copyrightable subject matter under the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*, as amended (the "Copyright Act").

12. The front cover of the Work is distinctive in appearance, in that it bears an artistic rendering of two palm trees against a blue sky, with the caption "CUBA TOMORROW." The front cover of the Work also bears as a trademark a stylized rendering of the words "CIGAR AFICIONADO."

13. Page 128 of the Work contains a column listing several Cuban cigars and the *Cigar Aficionado* "Rating" of each cigar on a scale of 1-100. Below each cigar's name and Rating is a brief narrative, or "tasting note," describing that particular cigar.

14. Shanken has complied in all respects with the Copyright Act and all other laws covering copyright and has secured the exclusive rights and privileges under the copyright in and to the Work.

15. The Work bears a copyright notice on page 214, as prescribed by 17 U.S.C. § 401.

16. The Work is the subject of a Certificate of Copyright Registration issued by the Register of Copyrights on May 10, 2007, bearing registration number TX 6-567-937. A copy of the Certificate of Registration application for registration is annexed hereto as Exhibit A.

SHANKEN'S FEDERALLY REGISTERED TRADEMARKS AND SERVICE MARKS

17. Shanken is the owner of common law rights and federal registrations in a number of federally registered trademarks and service marks comprising the term CIGAR AFICIONADO, including:

<u>Registered Mark</u>	<u>Registration No., Services, Mark Drawing Code, and Date of Registration</u>
CIGAR AFICIONADO	2,131,128 Computer services, namely, providing on-line magazines in the field of cigars WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM January 20, 1998
CIGAR AFICIONADO	2,054,780 Magazines and Books Featuring the Subject of Cigars WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM April 22, 1997
CIGAR AFICIONADO	2,025,421 Publications, namely magazines, books, pamphlets newsletters, printed charts, journals, guides all on the subject of cigars TYPED DRAWING December 24, 1996

These registrations are valid and subsisting, unrevoked, uncanceled, and all have acquired incontestable status pursuant to 15 U.S.C. § 1065. Copies of Certificates of Registration relating to the three registrations listed above are annexed hereto as Exhibits B, C, and D, respectively. These three marks are collectively referred to herein as the "CIGAR AFICIONADO Marks."

18. Advertising, promotion and offering of goods and services via use of the CIGAR AFICIONADO Marks by Shanken have been substantial over the years and, as a result, the CIGAR AFICIONADO Marks have acquired a substantial reputation of high quality for the goods and services as to which these marks have been and continue to be used.

19. As a result of this long and continuous use, the CIGAR AFICIONADO Marks have individually and collectively come to identify Shanken's goods and services and distinguish them from those of others, and have come to represent and symbolize substantial goodwill belonging exclusively to Shanken.

20. Over the many years that Shanken has used the CIGAR AFICIONADO Marks, Shanken has expended substantial sums in excess of \$5,000,000 in advertising and promoting its services under the CIGAR AFICIONADO Marks. Such advertising has included Internet, television, radio, print advertising, including in such national newspapers as the New York Times and The Wall Street Journal, promotional and specialty items, trade shows, trade publications, and mailings sent directly to customers and potential customers. The CIGAR AFICIONADO Marks have been prominently displayed in all of these various types of advertising.

21. The CIGAR AFICIONADO Marks now enjoy enormous consumer recognition and have become famous and as a result of their distinctiveness; the duration and extent of their use; the duration and extent of the advertising and publicity that utilized them; the geographical

extent of the trading area in which they are used; the channels of trade for the services with which they are used; the degree of recognition of the CIGAR AFICIONADO Marks in the trading areas and channels of trade in which the CIGAR AFICIONADO Marks are used; the insubstantial — if not non-existent — nature and extent of the use of marks similar to the CIGAR AFICIONADO Marks in connection with goods offered by third parties; and the registrations of the CIGAR AFICIONADO Marks for goods and services on the Principal Register.

DEFENDANTS' INFRINGEMENT OF THE WORK AND THE MARKS

22. Defendants have infringed, and will likely continue to further infringe, Shanken's rights in and to the Work and the CIGAR AFICIONADO Marks by, among other things, prominently displaying the Work and the CIGAR AFICIONADO Marks on the www.Cigar500.com website, and incorporating the Work and the Marks into the website's promotion of Defendants' own goods in a manner that implies an endorsement of those goods by Shanken. Defendants have committed all of those acts without authorization from Shanken or any other person or entity authorized to grant such authorization.

23. In particular, the first page that appears if a user navigates to <http://www.Cigar500.com> (the "Home Page") is headed "*Welcome Cigar Aficionado Readers!*"

24. The Home Page is subdivided into several "frames," and the top frame on the right side of the Home Page contains a photographic image of the front cover of the Work, under a paragraph of text that reads:

ON SALE!
The 6 Cuban Cigars
Cigar Aficionado
Rated 91 or Better!
Click Here to ORDER NOW!

25. When the user “clicks here” as invited, he or she is redirected to a second web page (the “Offer Page”) in the www.Cigar500.com domain. The Offer Page also contains an image of the front cover of the Work.

26. In addition to displaying an image of the front cover of the Work, the Offer Page bears the heading and text:

“RATED 91 OR BETTER BY CIGAR AFICIONADO.

6 AUTHENTIC
CUBAN CIGARS.

The 6 Cubans that Cigar Aficionado calls ‘Outstanding’
showcase the best that Cuba has to offer.”

27. Approximately halfway down the Offer Page, a column appears under the heading “6 Top Cuban Cigar Sampler Includes 1 of each of the following.” The column contains six entries. On the left side of each entry is a “Rating,” and to the right of the “Rating” is a brief narrative describing each cigar, as follows:

- | | |
|----------|--|
| RATED 97 | MONTECRISTO NO. 2
The classic torpedo that no one can duplicate gives you all the cedar, spice, and tobacco character you can hope for. Always draws like a dream. |
| RATED 96 | COHIBA SIGLO VI
A combination of richness and finesse gives you just the right combination of power and class. Cool smoke. |
| RATED 93 | MONTECRISTO EDMUNDO
This gets better and better with lots of spicy cedar character and a full, rich finish. |
| RATED 93 | TRINIDAD ROBUSTO EXTRA
The creamy texture and cedar notes say Cohiba, but the spicy, light earthy and vanilla flavors say Trinidad. |

RATED 92 HOYO DE MONTERREY PETIT ROBUSTO

The Rich, toasty, and decadent character stimulates each taste bud in an elegant, creamy way. Quick satisfaction.

RATED 91 PARTAGAS SERIE D NO. 4

This is now the biggest-selling Cuban robusto and always delivers plenty of spicy, earthy decadent character. A classic Habano.

28. Those six Ratings and narratives are verbatim copies of the Ratings and “tasting notes” contained on page 128 of the Work.

29. The Home Page and the Offer Page printed out from the www.Cigar500.com web site, displaying the Work and the CIGAR AFICIONADO Marks, are annexed hereto as Exhibits E and F, respectively.

30. A copy of the front cover of the Work and page 128 of the Work are annexed hereto as Exhibits G and H, respectively.

31. This wrongful conduct by Defendants, including their use of unauthorized copies of substantial portions of the Work, violates Shanken’s exclusive rights under Section 106 of the Copyright Act (17 U.S.C. § 106) to reproduce, distribute, and prepare derivative works based on the Work.

32. This wrongful conduct by Defendants including their unauthorized use in commerce of names and marks confusingly similar or identical to Shanken’s federally registered marks, in connection with the advertising, promotion, marketing, offering for sale, and retail sale of cigars, which is likely to cause confusion and mistake and deceive members of the public and trade as to the origin, sponsorship and affiliation of Defendants’ products and business, in violation of 15 U.S.C. § 1114.

33. Additionally, the Offer Page declares that

All Cuban cigars advertised on Cigar500.com are guaranteed original Cubans. Your cigar order will arrive in original factory

boxes. Every box is authenticated and sealed with the original Republic of Cuba "Original National Warranty Seal for Cigars and Cut Tobacco" from the originating factory in Cuba.

GUARANTEED DELIVERY IN THE USA

34. Under the Trading with the Enemy Act, 12 U.S.C. § 95a, it has been a crime to import Cuban cigars into the United States since 1963.

35. Shanken warns *Cigar Aficionado* readers of this fact on its own webpage, cigaraficionado.com:

The law prohibiting the importing of Cuban cigars has existed for decades, but many cigar smokers remain confused over its details; a common misperception is that it's legal to import up to 100 Cuban cigars, and that they can come from any source country. The answers are no, and no. Customs has a Cuban cigar update on its Web site restating how the U.S. embargo against Cuba affects the importation of Cuban cigars.

36. The cigaraficionado.com website also warns readers that importing Cuban cigars into the United States from any country is illegal:

If you stop in a third country, or purchase Cuban goods in a third country (say, Canada), you cannot bring any Cuban products into the United States.

37. By using the Work and the CIGAR AFICIONADO Marks to advertise "guaranteed original Cuban[]" cigars which are "GUARANTEED" to be delivered to the consumer "IN THE USA," Defendants are falsely asserting that Shanken endorses the commission of federal felonies, and are unlawfully associating Shanken's name, the Work, and the CIGAR AFICIONADO Marks with criminal behavior. Based on the foregoing, Defendants' apparent criminal activities are clearly targeted towards consumers in the United States.

38. Upon information and belief, the www.Cigar500.com website continues to be accessible on the Internet.

39. Defendants' infringement of Shanken's rights in and to the Work, including the copyright in and to the Work, has been and continues to be knowing, willful, and egregious and constitutes intentional or reckless disregard of Shanken's rights as copyright holder in and to the Work.

40. Defendants' infringement of Shanken's rights in and to the CIGAR AFICIONADO Marks, including the trademark of the CIGAR AFICIONADO Marks, has been and continues to be knowing, willful and egregious and constitutes intentional or reckless disregard of Shanken's rights as registrant and owner of the CIGAR AFICIONADO Marks.

41. Defendants' wrongful conduct has caused and is continuing to cause Shanken to suffer monetary damages in an amount to be determined at trial.

42. In addition, Defendants' wrongful conduct is causing Shanken immediate and irreparable injury and will continue to cause Shanken irreparable injury and unfairly benefit Shanken unless enjoined by this Court.

43. Shanken has no adequate remedy at law against Defendants' continued unlawful use of the Work and the CIGAR AFICIONADO Marks.

FIRST CLAIM
(Copyright Infringement, 17 U.S.C. §§ 501, 502 & 504(b))

44. Shanken repeats the allegations in paragraphs 1 through 43.

45. Shanken is the owner of the exclusive copyright in the Work.

46. The Register of Copyrights issued Shanken a Certificate of Copyright Registration on May 10, 2006, bearing registration number TX 6-567-937.

47. Defendants have placed images of the Work on their website, www.Cigar500.com.

48. Defendants have placed excerpts of the Work on their website, www.Cigar500.com.

49. Defendants have never received authorization from Shanken or any person authorized by him to use any image or excerpt of the Work on their website.

50. Defendants' use of the Work on their website has infringed, and continues to infringe, upon Shanken's copyright in the Work.

51. Shanken is entitled to actual damages under 17 U.S.C. § 504.

52. Defendants' infringement of Shanken's copyright in the Work was willful.

53. Shanken is entitled to statutory damages under 17 U.S.C. § 504 of up to \$150,000 per occurrence.

54. Shanken is entitled to attorneys' fees and costs related to this matter under 17 U.S.C. § 505.

55. Shanken is entitled to injunctive relief pursuant to 17 U.S.C. § 502 to prevent Defendants from continuing to infringe upon its copyright in the Work, because injunctive relief is reasonable and is required to prevent or restrain continuing infringement.

SECOND CLAIM
(Lanham Act Trademark Infringement, 15 U.S.C. §§ 1114, § 1116)

56. Shanken repeats the allegations in paragraphs 1 through 55.

57. Shanken is the owner of federal trademark registrations for the CIGAR AFICIONADO Marks.

58. By its registration and extensive use and promotion of the CIGAR AFICIONADO Marks, Shanken has established a strong association in the public mind between the CIGAR AFICIONADO Marks and the goods and services offered by Shanken.

59. Without Shanken's authorization or consent, Defendants have used reproductions or copies of the CIGAR AFICIONADO Marks in connection with the offering for sale, distribution, or advertisement of Defendants' own goods and services.

60. Without Shanken's authorization or consent, Defendants have applied a reproduction or copy of the CIGAR AFICIONADO Marks to advertisements used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services, in a manner that is likely to cause confusion, mistake, or deception.

61. Defendants' acts of offering for sale goods and services using Shanken's CIGAR AFICIONADO Marks have, upon information and belief, caused actual confusion, mistake and deception among relevant consumers and have deceived the relevant public into believing that Defendants' goods and services are associated with Shanken, all to the damage and detriment of Shanken's reputation, goodwill and sales.

62. Defendants' unlawful acts constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

63. Defendants' acts have been willful, deliberate, and intended to benefit Defendants at Shanken's expense.

64. Shanken has suffered monetary damages as a result of Defendants' unlawful acts in an amount to be determined at trial.

65. However, Shanken has no adequate remedy at law to compensate it fully for the damages which would be caused by any further infringement of Shanken's mark by Defendants, unless future unlawful acts and infringements of this kind are enjoined by this Court.

66. This is an exceptional case under 15 U.S.C. § 1117.

THIRD CLAIM
(Lanham Act Unfair Competition, 15 U.S.C. § 1125(a))

67. Shanken repeats the allegations in paragraphs 1 through 66.

68. By misappropriating and using the CIGAR AFICIONADO Marks in their advertising, Defendants have misrepresented to the relevant public that Shanken has endorsed and sponsored Defendants' services, thereby creating a likelihood of confusion as to the source or sponsorship of Defendants' business, goods and services.

69. Defendants' unlawful conduct constitutes unfair competition and false designation of origin or sponsorship in violation of Lanham Act Section 43(a), 15 U.S.C. § 1125(a).

70. Defendants' acts have been willful, deliberate and intended to benefit Defendants at Shanken's expense.

71. Shanken has suffered monetary damages as a result of Defendants' unlawful acts in an amount to be determined at trial.

72. However, Shanken has no adequate remedy at law to compensate it fully for the damages that have been caused by Defendants' unlawful acts and which would be caused by any further use of plaintiff Shanken's CIGAR AFICIONADO Marks by Defendants, unless future unlawful acts of this kind are enjoined by this Court.

73. This is an exceptional case under 15 U.S.C. § 1117.

FOURTH CLAIM
(Trademark Dilution In Violation of 15 U.S.C. 1125(c))

74. Shanken repeats the allegations in paragraphs 1 through 73.

75. The CIGAR AFICIONADO Marks are famous marks within the meaning of section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)(1), and have been famous marks prior to Defendants' wrongful conduct.

76. Defendants' misuse, disparagement and tarnishment of the CIGAR AFICIONADO Marks, via the www.Cigar500.com domain name and website, for the purpose of advertising, promoting and offering Defendants' goods and/or services, including by associating those marks with Defendants' apparent criminal activities in violation of the Trading the Enemy Act, constitutes dilution in violation of section 43(c) of the Lanham Act, 15 U.S.C. § 1125 (c)(1).

77. As a result of Defendants' unlawful activities, Plaintiff has been damaged in an amount to be ascertained.

78. Plaintiff has no adequate remedy at law to compensate it fully for the damages which will continue to be caused by Defendants' unlawful acts and will continue to suffer irreparable harm and injury to its goodwill and reputation unless Defendants' unlawful conduct is enjoined by this Court.

79. Defendants' conduct is knowing, intentional, malicious, deliberate, willful, wanton, reckless and egregious and is being carried out with the intent to cause confusion, mistake or deception and to injure Plaintiff.

80. Defendants' acts are willful, intentional and egregious and make this an exceptional case within the meaning of 15 U.S.C. § 1117(a).

FIFTH CLAIM
(Defamation)

81. Shanken repeats the allegations in paragraphs 1 through 80.

82. Defendants have published the www.Cigar500.com website and its individual web pages or caused the site and pages to be published to third parties.

83. Various portions of the www.Cigar500.com website and web pages on the site concern Shanken.

84. Defendants' www.Cigar500.com website asserts and/or implies that Shanken encourages consumers to engage in criminal activities in violation of the Trading with the Enemy Act.

85. Such statements are false and defamatory.

86. Such statements are injurious to Shanken in its trade or business and are actionable per se.

87. Defendants caused these statements to be published with knowledge and/or reckless disregard of their falsity

88. Defendants' conduct has already injured and unless restrained will continue to injure Shanken, causing monetary damages to Shanken in an amount to be determined at trial, as well as irreparable injury to Shanken.

89. Shanken has no adequate remedy at law to compensate it fully for the injury that has been caused, and which will continue to be caused, by Defendants' wrongful conduct, unless this conduct is enjoined by this Court.

90. Defendants' wrongful conduct was knowing, willful, deliberate, malicious and intended to injure Shanken. Accordingly, Shanken is entitled to recover punitive and exemplary damages from Defendants in an amount to be determined at trial.

WHEREFORE, Shanken demands judgment as follows:

A. Enjoining Defendants and their agents, officers, directors, principals, parents, subsidiaries, affiliates, employees, representatives, successors, assigns, and all persons acting in concert or participation with it from further infringing or otherwise violating Shanken's rights in and to the CIGAR AFICIONADO Marks and/or the Work;

B. That judgment thereon be rendered against Defendants for:

(1) An accounting of all profits received from Defendants' use of the Work as provided by 17 U.S.C. § 504(b); and

(2) All actual damages suffered by Shanken as a result of Defendants' copyright infringement, as provided by 17 U.S.C. § 504(b), in an amount to be determined at trial, presently believed to be in excess of \$1 million;

(3) Statutory damages as provided by 17 U.S.C. § 504(c) of not less than \$150,000 per occurrence;

(4) An accounting of all profits received from Defendants' willful and egregious use of the use of the CIGAR AFICIONADO Marks, 15 U.S.C. § 1117;

(5) All actual damages suffered by Shanken as a result of Defendants' unauthorized and unlawful use of the CIGAR AFICIONADO Marks in an amount to be determined at trial, presently believed to be in excess of \$5 million, 15 U.S.C. § 1117;

(6) Trebling of actual damages suffered by Shanken as a result of Defendants' unauthorized and unlawful use of the CIGAR AFICIONADO Marks, 15 U.S.C. § 1117;

(7) Actual damages suffered as a result of defamation, in an amount to be determined at trial, presently believed to be in excess of \$10 million;


(8) Punitive damages on the defamation claim in an amount to be determined at trial, presently believed to be in excess of \$10 million.

C. For an award of costs in this action, including reasonable attorneys' fees and expenses as provided under 15 U.S.C. § 1117 and 17 U.S.C. § 505; and

D. For such other and further relief as this Court deems just and proper.

Dated: New York, New York
August 17, 2007

REED SMITH LLP

By: 

Peter D. Raymond (PR 3029)

John B. Webb (JW 9624)

Wallace B. Neel (WN 0038)

599 Lexington Avenue
New York, New York 10022
(212) 521-5400

Attorneys for Plaintiff
M. Shanken Communications, Inc.

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form SE

For a Serial
UNITED STATES COPYRIGHT OFFICE

TX 6-567-937



KT080635279374

EFFECTIVE DATE OF REGISTRATION

5-10-07

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS SERIAL ▼

Cigar Aficionado

Volume ▼

15

Number ▼

04

Date of Copies ▼

June 2007

Frequency of Publication ▼

bimonthly

PREVIOUS OR ALTERNATIVE TITLES ▼

2

NAME OF AUTHOR ▼

a M. Shanken Communications, Inc.

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☐ Citizen of USA
☐ Domiciled in USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

☒ Collective Work

Other:

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼

b

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☐ Citizen of USA
☐ Domiciled in USA

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

☐ Collective Work

Other:

NAME OF AUTHOR ▼

c

Was this contribution to the work a "work made for hire"?

☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☐ Citizen of USA
☐ Domiciled in USA

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

☐ Collective Work

Other:

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2007

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month 04

Day 05

Year 07

USA

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

M. Shanken Communications, Inc.

387 Park Avenue South

New York, NY 10016

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

MAY 10 2007

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

MAY 10 2007

FUNDS RECEIVED

MORE ON BACK ▶

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of _____ pages

EXAMINED BY

FORM SE

CHECKED BY

CORRESPONDENCE

☐ YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)a ☐ This is the first published edition of a work previously registered in unpublished form.b ☐ This is the first application submitted by this author as copyright claimant.c ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number:

Year of Registration:

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.
Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name: Account Number:

CORRESPONDENCE Give name and address to which correspondence about this application should be sent: Name/Address/Apt./City/State/Zip:

Steven Gordon
M. Shanken Communications, Inc.
387 Park Avenue South, New York, NY 10016
Area code and daytime telephone number: 212-431-8610, ext. 638
Fax number: 212-684-0681
E-mail: sgordon@mshanken.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one:

- ☐
- author
-
- ☐
- owner copyright claimant
-
- ☐
- owner of exclusive rights

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

I am authorized agent of M. Shanken Communications, Inc.

Name of author or other copyright claimant or owner of exclusive rights:

Typed or printed name and date: If this application gives a date of publication in space 6, do not sign and submit it before that date.

Steven Gordon

Date: 05/08/07

Handwritten signature:

Certificate
will be
mailed in
window
envelopes
to this
addressName:
Steven Gordon, M. Shanken Communications, Inc.
Number/Street/Apt.:
387 Park Avenue South
City/State/Zip:
New York, NY 10016

YOU MUST:

Complete all necessary spaces.
Send your application in space 9.SEND ALL FEE DOLLARS
IN THE SAME PACKAGE1. Application form
2. Nonrefundable filing fee in check or money
order payable to: Registrar of Copyrights
3. Deposit materialMAIL TO:
Library of Congress
Copyright Office
301 Independence Avenue SE
Washington, DC 20540-4225

174/SC-6304(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with the application shall be fined not more than \$2,500.

EXHIBIT B

Int. CL: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,131,128

United States Patent and Trademark Office

Registered Jan. 20, 1998

Amended

OG Date Apr. 20, 2004

SERVICE MARK
PRINCIPAL REGISTER

cigar
aficionado

M. SHANKEN COMMUNICATIONS, INC.
(NEW YORK CORPORATION)
387 PARK AVENUE SOUTH
NEW YORK, NY 10016

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CIGAR", APART FROM THE MARK AS SHOWN.

FOR: COMPUTER SERVICES, NAMELY, PROVIDING ON-LINE MAGAZINES IN THE FIELD OF CIGARS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-20-1997; IN COMMERCE 1-20-1997.

SER. NO. 75-075,835, FILED 3-14-1996.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Apr. 20, 2004.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

EXHIBIT C

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,054,780

United States Patent and Trademark Office

Registered Apr. 22, 1997

**TRADEMARK
PRINCIPAL REGISTER**

CIGAR
Aficionado

M. SHANKEN COMMUNICATIONS, INC. (NEW
YORK CORPORATION)
387 PARK AVENUE SOUTH
NEW YORK, NY 10016

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CIGAR", APART FROM THE
MARK AS SHOWN.

FOR: MAGAZINES AND BOOKS FEATUR-
ING THE SUBJECT OF CIGARS, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-22-1992; IN COMMERCE
8-25-1992.

SER. NO. 75-075,834, FILED 3-14-1996.

DOMINICK J. SALEMI, EXAMINING ATTOR-
NEY

EXHIBIT D

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,025,421

United States Patent and Trademark Office

Registered Dec. 24, 1996

**TRADEMARK
PRINCIPAL REGISTER**

CIGAR AFICIONADO

**M. SHANKEN COMMUNICATIONS, INC. (NEW
YORK CORPORATION)
387 PARK AVENUE SOUTH
NEW YORK, NY 10016**

**FOR: PUBLICATIONS, NAMELY, MAGA-
ZINES, BOOKS, PAMPHLETS, NEWSLETTERS,
PRINTED CHARTS, JOURNALS AND GUIDES
ALL ON THE SUBJECT OF CIGARS , IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND
50).**

**FIRST USE 1-22-1992; IN COMMERCE
8-25-1992.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CIGAR", APART FROM THE
MARK AS SHOWN.**

SER. NO. 75-031,228, FILED 12-11-1995.

**MARGERY A. TIERNEY, EXAMINING ATTOR-
NEY**